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IN THE

Supreme Court of the United States

OCTOBER TERM, 1960.

No. 582

EUGENE E. CORDAK, d b a A B DENTAL PLATE LABORATORY and ANTHONY J. VOLINO, d b a GRAND & ASHLAND DENTAL LABORATORY,

Appellants,

vs.

THE REUBEN H. DONNELLEY CORPORATION, an Illinois corporation,

Appellee,

and

PEOPLE OF THE STATE OF ILLINOIS, ex rel. ILLINOIS STATE DENTAL SOCIETY, an Illinois corporation not for profit, JAMES C. DONELAN, PAUL W. CLOPPER and JOSEPH S. ZIELINSKI, individually and as officers of the ILLINOIS STATE DENTAL SOCIETY, and ROBERT J. POLLOCK, HERMAN R. WENGER, JOSEPH T. BROPHY, ARTHUR M. DUXLER and FREDERICK D. MOORE, individually and as members of the Joint Commission on Legislation and Law Enforcement of ILLINOIS STATE DENTAL SOCIETY,

Intervenors-Appellees.

APPEAL FROM THE SUPREME COURT OF THE STATE OF ILLINOIS.

STATEMENT AS TO JURISDICTION.

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THE BUNTHORP-WARREN PRINTING COMPANY, CHICAGO

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Intervenors-Appellees.

APPEAL FROM THE SUPREME COURT OF THE STATE OF ILLINOIS.

STATEMENT AS TO JURISDICTION.

Appellants, pursuant to Rules 13 and 15 of the Rules of the Supreme Court of the United States, submit herein their statement disclosing the basis upon which the Supreme Court of the United States has jurisdiction on

appeal to review the final judgment of the Supreme Court of the State of Illinois, and should exercise such jurisdiction in this cause.

OPINION BELOW.

The opinion of the Supreme Court of the State of Illinois is reported in 19 Ill. 2d ....., 169 N. E. 2d 321. A copy of that opinion is attached hereto as Appendix "A". A copy of the order appealed from is attached hereto as Appendix "B".

JURISDICTION.

This appeal is taken from the final judgment of the Supreme Court of the State of Illinois affirming a decree entered by the Superior Court of Cook County, Illinois, finding certain challenged provisions of Section 5a of the Illinois Dental Practice Act, Ill. Rev. Stat., Ch. 91, Sec. 60a (1959), to be constitutional.

This action was brought by appellants for a judgment declaring part of Section 5a of the Illinois Dental Practice Act unconstitutional and void by virtue of its repugnance to the First and Fourteenth Amendments of the Constitution of the United States.

The final judgment appealed from was entered on September 14, 1960. The notice of appeal was filed on October 14, 1960 with the clerk of the Supreme Court of the State of Illinois.

The Supreme Court of the United States has jurisdiction to review by direct appeal the judgment complained of by the provisions of Title 28, United States Code, Sec. 1257(2). Cases believed to sustain this jurisdiction are *Lovell* v. *Griffin*, 303 U. S. 444 (1937); *Standard Oil Co. of California* v. *Johnson*, 316 U. S. 481 (1941); *Illinois* v. *Board of Education*, 333 U. S. 203 (1947); *Winters* v. *New York*, 333 U. S. 507 (1947).

The statute of the State of Illinois involved is the Illinois Dental Practice Act, Volume 2, Ill. Rev. Stat., Ch. 91, Secs. 56a-72h, pp. 556-564 (1959). The particular section of the Dental Practice Act involved is Section 5a (Volume 2, Ill. Rev. Stat., Ch. 91, Sec. 60a, p. 559), the text of which is set forth in Appendix "C."

QUESTIONS PRESENTED.

Whether the provisions of Section 5a of the Illinois Dental Practice Act prohibiting announcements in business and telephone directories which include more than name, address and telephone number and which exceed the number of lines necessary to disclose the same violate the First and Fourteenth Amendments to the United States Constitution in the following respects:

1. They abridge appellants' rights to speak freely within the First Amendment to the United States Constitution;

2. They violate the Fourteenth Amendment to the United States Constitution by depriving appellants of their property without due process of law, and by denying to them the equal protection of the laws.

STATEMENT OF THE CASE.

This action was brought by appellants, dental laboratory technicians. Each is individually engaged in the trade and business of constructing and repairing, extraorally, prosthetic dentures, bridges and other replacements for teeth, commonly known as dental plates. Their complaint for a declaratory judgment challenges the constitutional validity under the Federal Constitution of those provisions of Section 5a of the Illinois Dental Practice Act, Ill. Rev. Stat., Ch. 91, Sec. 60a (1959), which prohibit them from inserting in business and telephone di-

rectories any announcement which includes more than merely name, address and telephone number. (Record, pp. 5-12.) They further seek to enjoin the Reuben H. Donnelley Corporation from refusing to publish their requested announcements in the Chicago Classified Telephone Directory (hereinafter "Chicago Red Book") because of said statutory provision.

Appellant, Eugene E. Cordak, has been a dental laboratory technician since 1953. Appellant, Anthony J. Volino, was engaged, since 1940, as an employee of other dental laboratory technicians. Immediately prior to the filing of this action, he acquired premises and equipment suitable to begin business for himself. His first request, in 1959, for advertising in the Chicago Red Book was refused by The Reuben H. Donnelley Corporation, and but for a temporary injunction entered by the trial court after the complaint was filed requiring the latter to accept his announcement, he would have been unable to utilize the Chicago Red Book to make known effectively and economically, the availability of his services.

The Reuben H. Donnelley Corporation, appellee, prints and publishes the Chicago Red Book. In all issues prior to the 1960 issue of the Chicago Red Book, appellee accepted for publication the announcements contracted for by dental laboratory technicians. Beginning with the 1960 edition of the Chicago Red Book, however, it refused to publish such announcements containing more than name, address and telephone number. Its refusal to do so was based on the fact that an amendment to Section 5a of the Illinois Dental Practice Act prohibited such announcements.

Appellant Cordak's announcement, in addition to containing his name, address and telephone number, also states the number of years he has served the dental pro-

fession, the districts he serves and the fact that he belongs to an Association of Dental Laboratories.

Appellant Volino, in addition to announcing his name, address and telephone number, states only that he offers immediate service and emergency repairs, and that he has served the dental profession for a certain number of years.

The Reuben H. Donnelley Corporation refused to publish these announcements solely on the ground that they violate the Illinois Statute, as amended. (Record, p. 14.)

After issue was joined by appellants' complaint and the answer of The Reuben H. Donnelley Corporation (Record, pp. 16-17), the Illinois State Dental Society and certain dentists (referred to hereinafter as "Intervenors") were given leave to intervene pursuant to an order limiting the issues to be adjudicated to the constitutionality of the challenged provisions of the Dental Practice Act. (Record, pp. 58-59.)

The case was heard by the court sitting without a jury on an agreed statement of facts. (Record, pp. 68-70, 97-104.) The sole question, in the trial court, in the Illinois Supreme Court, and on this appeal, is the validity of the aforementioned provisions of the Dental Practice Act.

On March 21, 1960, the trial court entered its final decree finding the statutory provisions constitutional, dissolving the temporary injunction previously issued and dismissing the complaint for want of equity. (Record, pp. 78-79.) On September 14, 1960, the Illinois Supreme Court affirmed. (Record, pp. 145-152.)

THE QUESTIONS PRESENTED ARE SUBSTANTIAL.

Appellants contend that the First Amendment to the United States Constitution protects their right to advise their lawful customers of all relevant facts about their businesses through printed media of their own selection.

The Illinois Supreme Court has held constitutional a statute enacted by the State Legislature prohibiting advertising by dental laboratories in business and telephone directories. As a result, appellants' business announcements cannot exceed the mere recital of "name, address, telephone number"; moreover, in the words of the statute (Section 5a), their announcements may contain only the number of lines necessary to disclose this "information." An advertisement, however, is but a form of speech, and the right to speak freely is guaranteed under the First Amendment to the United States Constitution. This case presents, therefore, a novel question: Whether in an attempt to regulate professions and related trades under the police power of the State, legitimate businessmen may be totally denied their right to advertise in publications which are, in their judgment, effective and economical media within which they may address themselves to their customers.

Admittedly, when a State undertakes to regulate the business practices of its citizens, it often cannot avoid placing limitations upon pre-existing freedoms. These limitations generally reflect the balance struck between the conflicting interests involved. In the event the regulatory measure adopted goes beyond the necessities of the case, the curtailment of constitutional freedoms cannot be justified. *Washington ex rel. Seattle Title & Trust Co.* v. *Roberts*, 278 U. S. 116, 120 (1928); *Pennsylvania Coal Co.* v. *Mahon*, 260 U. S. 393 (1922); *Eubank* v. *Richmond*, 266 U. S. 137 (1912). See also, *Nebbia* v. *New York*, 291 U. S. 502, 525 (1933).

Insofar as the Dental Practice Act is concerned, the legislative purpose is to prohibit advertising offering services to the public. The statute declares that dental laboratory technicians shall not construct or repair, or offer

to construct or repair, dental appliances for any member of the public. Section 5a prevents the sale of these commodities to anyone except licensed dentists. A violation of these limitations constitutes the practice of dentistry. The scope of the Act indicates clearly that the only justification for the strict limitations on the form, scope and content of advertising by dental laboratory technicians is to effectuate this legislative purpose of prohibiting advertisements to the public. Since, however, the strict prohibitions imposed by Section 5a are considerably broader than the legislative purpose, they cannot be justified by mere reference to the fact that advertising offering services to the public is also condemned. The end has never been held to justify the means. *House* v. *Mayes*, 219 U. S. 270, 282 (1910).

Appellants' advertisements are directed only to licensed members of the dental profession; there is no evidence that either appellant has ever done work for anyone except licensed dentists, or has ever offered to do so. The State Court has in effect held that it is proper to *presume* that appellants seek to offer services to the public merely because they have selected the classified telephone directory as an appropriate media to communicate certain facts about their business.

The Illinois statute creates an irrebutfable presumption that any statement in a telephone directory exceeding name, address and telephone number necessarily constitutes an offer of services to the public. This presumption is inconsistent with reason and logic, and the record so indicates. For example, the statute would prohibit an advertisement that declares in express terms: "SERVING THE DENTAL PROFESSION ONLY". Such an announcement cannot be characterized as one directed at the public; nonetheless, Section 5a prohibits the same. As alleged in their complaint, appellants are prohibited by

Section 5a from advising their customers of such facts as "change of management, change in name, former location, hours of business, speed and efficiency of service, number of years in business, experience of personnel, type of materials used and the like."

There are numerous listings in the classified directory which are directed at limited audiences. To take only a few examples, it is manifest that advertising of hospital supplies or dental equipment does not constitute an offer to deal indiscriminately with the public in violation of applicable regulations. The mere fact that the general public may read announcements pertaining to dental supplies does not indicate that the advertiser intends to offer these supplies for sale to anyone except the licensed dentist. Nor does the fact that druggists place announcements in the Chicago Red Book indicate that they will sell drugs indiscriminately to the public in violation of law. There is always a possibility that an advertiser will subsequently act improperly, but such a possibility does not warrant a prior restraint on his freedom of communication.

The challenged statute imposes a broad prior restraint on appellants' freedom to communicate with their customers and potential customers. This broad impairment of the right of free speech is inconsistent with this Court's uniform respect for, and interpretation of, the First Amendment.

This Court has not heretofore delineated the scope of the businessman's right to advertise in media of his own choosing. The problem involved in this case is of fundamental importance not only to appellants, but also to the entire business community and involves the individual liberty of every citizen.

WHEREFORE, it is respectfully submitted that this Court has jurisdiction of this appeal under Title 28, United States Code, Section 1257(2), and should exercise such jurisdiction in this cause.

Respectfully submitted,

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Chicago 3, Illinois,
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APPENDIX "A".

EUGENE E. CORDAK, d b a A B-DENTAL PLATE LABORATORY *et al.*,

Appellants,

vs.

REUBEN H. DONNELLEY CORPORATION,

Appellee

(People *ex rel.* Illinois State Dental Society *et al.*, *Intervenors-Appellees.*)

No. 35874.

Supreme Court of Illinois.

Sept. 14, 1960.

Bristow, *Justice.*

Plaintiffs, as dental laboratory technicians, appeal directly to this court from a decree of the superior court of Cook County finding the 1959 amendment to section 5a of the Dental Practice Act (Ill. Rev. Stat. 1959, Chap. 91, par. 60a) to be constitutional, dissolving the temporary injunction previously issued and dismissing plaintiffs' complaint for want of equity.

Since the constitutional validity of the above-referred-to amendment to section 5a of the Illinois Dental Practice Act is directly involved in this case, the appeal is properly taken direct to this court. Ill. Rev. Stat. 1959, Chap. 110, par. 75(1).

There is no dispute as to the facts involved in this case and the issues presented are solely matters of law. Plain-

tiffs are each dental laboratory technicians, each engaged in their own trade and business of constructing and repairing, extraorally, prosthetic dentures, bridges, and other replacements for teeth or parts thereof. In June, 1959, plaintiff Cordak, d b a A B Dental Plate Laboratory, placed his order for directory representation in the 1960 edition of the Chicago Classified Telephone Directory published by the defendant, Donnelley Corporation, commonly called the "Red Book", which advertisement read as follows:

"A B Dental Plate Labtry
Logan Square
District
A. B. CA 7-4060
2715½ N. Milwaukee
Lakeview District
DI 8-5053
1932½ W Irving Pk ..... DIversey 8-5053
2715½ N Milw ..... CApitol 7-4060"

In September of 1959 the other plaintiff, d b a Grand & Ashland Dental Laboratory, placed an order with the defendant for publication in the Chicago Red Book of an announcement reading as follows:

"Grand & Ashland Dental Laboratory
Emergency Plate Repairs
Immediate Service
1609 W. Grand Ave.
Serving the Dental Profession since 1940
1609 W. Grand Ave. ..... CAnal 6-0678"

The defendant Donnelley Corporation refused and declined to print and publish each of said announcements so ordered by the plaintiffs, solely and entirely on the basis of the 1959 amendment to section 5a of the Illinois Dental Practice Act. Prior to such 1959 amendment the defendant Donnelley Corporation had accepted for publication

the announcements contracted for by these plaintiffs as well as other dental laboratory technicians. Its refusal to publish the announcements above referred to is based on the fact that they contained more than name address and telephone number of the dental technician.

Plaintiffs thereupon filed a complaint for declaratory judgment that the 1959 amendment to the Dental Practice Act was unconstitutional and void and further seeking to enjoin the defendant Donnelley Corporation from refusing to publish their announcements because of such amendment. A temporary injunction, after notice, was issued restraining the defendant Donnelley Corporation from refusing to publish plaintiffs' announcements in the 1960 Chicago Red Book. The Illinois State Dental Society and certain dentists, hereinafter referred to as intervenors, were given leave to intervene pursuant to an order limiting the issues to be adjudicated to the constitutionality of said amendment. The case was heard by the trial court sitting without a jury on an agreed statement of facts. The trial court in its decree found the amendment constitutional, dissolved the temporary injunction previously issued and dismissed plaintiffs' complaint for want of equity.

Plaintiffs in their complaint and in this court contend that the prohibition against advertising contained in the 1959 amendment to the Illinois Dental Practice Act violates both the United States constitution and the constitution of the State of Illinois in the following respects:

A. That it is an abridgement of the plaintiffs' right to speak freely within the first amendment to the United States constitution and deprives plaintiffs of the right freely to speak, write and publish on all subjects in violation of article II, section 4, of the Illinois constitution, S. H. A.

B. That it violates the fourteenth amendment to the

United States constitution by depriving plaintiffs of their property without due process of law and by depriving them of equal protection of the law, and that it violates article II, section 2, of the Illinois constitution because:

1. It is arbitrary, capricious and unreasonable;

2. There is no relation to the evil sought to be remedied;

3. It prevents plaintiffs from informing their customers of the nature and description of methods used and of qualifications of plaintiffs;

4. It prevents plaintiffs from informing customers of important matters such as change of management, change of name, former location, hours of business, speed and efficiency of service, number of years in business, experience of personnel, type of materials used, and the like;

5. It is an attempt to regulate phases of plaintiffs' business not connected with the practice of dentistry;

6. It prevents plaintiffs from specifying the types of customers with whom they are prepared to do business and from specifying that their announcements are directed only to lawful customers and not to members of the public.

C. That it impairs plaintiffs' right to freely contract to carry out legitimate functions of their business, in violation of article I, section 10, of the United States constitution and article II, section 14, of the Illinois constitution.

The brief of defendant Donnelley Corporation limits itself to urging this court to give careful consideration to any law or regulation, however beneficial its purpose, which tends to impair the freedom of contract and the right of freedom of speech.

The intervenor's position is that the 1959 amendment in question is a valid exercise of the State's police powers.

The 1959 amendment to section 5a of the Illinois Dental Practice Act which is at issue in this litigation provides: "Announcements in business and telephone directories shall be limited to name, address and telephone number, and shall not occupy more than the number of lines necessary to disclose such information."

In order to properly consider the issues in this case, it is necessary to consider section 5a, as amended, as a whole and it reads as follows:

> "5a. Licensed dentists may employ or engage the services of any person, firm or corporation to construct or repair, extraorally, prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth. A person, firm or corporation, so employed or engaged, when constructing or repairing such dentures, bridges or replacements, exclusively, directly and solely for licensed members of the dental profession, and not for the public or any part thereof, shall not be deemed or considered to be practicing dentistry as defined in this Act. However, it is unlawful for persons, firms or corporations so employed or engaged, to advertise in any manner the appliances constructed or repaired, or the services rendered in the construction, repair or alteration thereof, except, that persons, firms or corporations so employed may announce in trade journals and professional publications which circulate among members of the dental profession, their names, the locations or places of their business, their office hours, telephone numbers, and the fact that they are engaged in the construction, reproduction or repair of such appliances, together with such display advertisements as disclose the character and application of their work, and persons, firms or corporations so employed or engaged may furnish to licensed information regarding their products, materials, uses and prices therefor. Announcement may also be made by business card, in

business and telephone directories, and by signs located upon the premises wherein the place of business is situated, but announcements made by business card or in business and telephone directories and signs shall not contain any amount as a price or fee for the services rendered, or to be rendered, or for any material or materials used or to be used, or any picture or other reproduction of a human head, mouth, dentures or specimen of dental work or any other media calling attention of the public to their business. *Announcements in business and telephone directories shall be limited to name, address and telephone number, and shall not occupy more than the number of lines necessary to disclose such information.* The lettering on signs shall be no more than 7 inches in height and no illuminated or glaring light signs shall be used." (Italicized sentence is the amendatory portion here in issue.)

Plaintiffs do not question the right of the State to enact laws regulating their business activities (*Winberry* v. *Hallihan*, 361 Ill. 121, 197 N. E. 552) and they recognize that pursuant to such right the legislature may also prohibit advertising which offers services to the public. *People ex rel. Chicago Dental Society* v. *A. A. A. Dental Laboratories, Inc.*, 8 Ill. 2d 330, 134 N. E. 2d 285; *Lasdon* v. *Hallihan*, 377 Ill. 187, 36 N. E. 2d 227.

The principal argument of plaintiffs is that the police power of the State in the present instance extends only to the right of prohibiting advertising by dental laboratory technicians which offers their services to the public, that the 1959 amendment to section 5a arbitrarily and capriciously defines and limits the plaintiffs' right to advertising without any logical or rational relation to whether such advertisement offers services to the public, all in violation of plaintiffs' constitutional rights. In other words, plaintiffs' position is that the amendment has no reasonable relation to the protection of public health.

In our opinion, the decision of this court in *People ex rel. Chicago Dental Society* v. *A. A. A. Dental Laboratories, Inc.*, 8 Ill. 2d 330, 134 N. E. 2d 285, and the cases discussed therein are conclusive as to this case. In the *A. A. A. Dental Laboratories* case the validity of the section limiting the advertising was directly challenged. In that case we specifically held that certain defendant dental laboratory technicians were properly enjoined from advertising in telephone directories, by window posters, and by public display of specimen dentures and from dealing directly with the public. One of the defendants in the case had been advertising in the Chicago Red Book, and in the opinion the nature of the advertisement is set forth in detail. The opinion also refers to other advertising done by such defendant, such as exhibition of photographs of specimen dentures, advertising in religious publications and in a theater. The master in that case had found that such technician was not violating the provision relating to advertising or announcements because section 5a contained no limits on the size of announcements which could be made in a telephone directory. This court noted that all of the forms of advertising engaged in by such technician were clearly prohibited by the statute with the exception of the use of the telephone directory, and that as to telephone directories the statute permitted an announcement by business card. The trial court decree in respect to this particular type of advertising was reversed with directions to grant the injunctive relief sought and we there said, 8 Ill. 2d at page 339, 134 N. E. 2d at page 291 "* * * the one-quarter page display advertisements referred to in the master's report and the decree amount to a 'media calling attention of the public to their business,' which is prohibited, rather than a 'business announcement' which is permitted. * * * While there is no evidence showing that this defendant dealt directly with the public, his advertising activities clearly

show a purpose to do so, and in our opinion justify a decree restraining him from dealing directly with the public."

We have carefully examined the evidence introduced in this case, particularly the two and one-half pages from the Chicago Red Book containing the advertising of dental laboratories. It is apparent that the display advertising here in issue is substantially of the same size and content and nature as was in issue as to numerous defendant laboratories in the A. A. A. Dental Laboratories case. The fact that plaintiffs are seeking to force the publisher of the classified telephone directory to accept display advertising of substantially the same size and content as was involved in the prior case, subsequent to the decision therein, is a rather clear and convincing demonstration that the General Assembly in 1959 had a reasonable basis for enacting the amendment in question. Section 5a of the Illinois Dental Practice Act, taken as a whole, very carefully protects the right of dental laboratories to advertise their products and services to licensed dentists who are their only lawful customers. The section, first of all, absolutely prohibits any kind of advertising but thereafter excepts from such prohibition announcements in trade journals and professional publications circulated among members of the dental profession. Such exception permits not only advertisements in such journals and publications of the technician's name, location, place of business, office hours, telephone number, and the nature of the business in which he is engaged, but also authorizes display advertisements as to the character and application of their work and the products, materials, uses and prices therefor. The statute also permits announcement by business card in business and telephone directories and by signs located upon the premises where the business is situated, provided such announcements are limited as to size and contain nothing as to price or fees or any pictures "or any other media calling attention of the

public to their business." At this point the 1959 amendment added the restriction of announcements in business and telephone directories to name, address and telephone number.

From a thorough consideration of the evidence in this case, the statute in question as a whole, and prior decisions of this court, we are of the opinion that the display advertisements in the Chicago Red Book here in issue are equivalent to the use of a "media calling attention of the public" to the technician's business and that the legislature was acting within the proper limits of its police power in adopting the 1959 amendment here in question which spells out in further detail the "business card" which is permitted. The act, as a whole, provides dental laboratories wide latitude in lawfully advertising their services and products to the dental profession, the class which they may lawfully serve, and this decision is amply supported by numerous decisions by the court in addition to the A. A. A. Dental Laboratories case. *Winberry* v. *Hallihan*, 361 Ill. 121, 197 N. E. 552; *People* v. *Dubin*, 367 Ill. 229, 10 N. E. 2d 809; *Lasdon* v. *Hallihan*, 377 Ill. 187; *Roberts Optical Co.* v. *Department of Registration and Education*, 4 Ill. 2d 290, 122 N. E. 2d 824. Several decisions of the United States Supreme Court pertaining to similar and related statutes likewise establish that the 1959 amendment here in question does not violate plaintiff's rights or deprive them of privileges under the United States constitution. *Semler* v. *Oregon State Board of Dental Examiners*, 294 U. S. 608, 55 S. Ct. 570, 79 L. Ed. 1086; *Williamson* v. *Lee Optical of Oklahoma*, 348 U. S. 483, 75 S. Ct. 461, 99 L. Ed. 563. The same authorities support the conclusion that the exercise of its police power by the legislature in adopting the amendment here in question does not arbitrarily or capriciously curtail the right of contract of the parties. None of the judicial precedents from other jurisdictions discussed by

the plaintiffs pass on a factual or legislative situation analogous to that here presented and, therefore, are not decisive or persuasive of the issues before us.

The 1959 amendment being a reasonable and constitutional exercise of the legislature's right to prohibit or limit advertising by dental laboratory technicians who offer services to the public, the decree of the trial court is affirmed.

Decree affirmed.

APPENDIX "B".

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, }
SUPREME COURT. } ss.

AT A TERM OF THE SUPREME COURT, begun and held in Springfield, on Monday, the twelfth day of September in the year of our Lord, one thousand nine hundred and sixty, within and for the State of Illinois.

Present: Walter V. Schaefer, Chief Justice.
Justice Joseph E. Daily
Justice Harry B. Hershey
Justice Byron O. House
Justice George W. Bristow
Justice Ray I. Klingbiel
Justice Roy J. Solfisburg, Jr.
William L. Guild, Attorney General
Robert G. Miley, Marshal

Attest: Mrs. Earle Benjamin Searcy, Clerk

BE IT REMEMBERED, that, to-wit: on the 14th day of September, A. D. 1960, the same being one of the days of the Term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

Eugene E. Cordak, d/b/a A B Dental Plate Laboratory and Anthony J. Volino, d/b/a Grand & Ashland Dental Laboratory,
Appellants,
No. 35874 *vs.*
The Reuben H. Donnelley Corporation, an Illinois corporation,
Appellee,
People of the State of Illinois, ex rel. Illinois State Dental Society, an Illinois corporation not for profit, James C. Donelan, Paul W. Clopper and Joseph B. Zielinski, individually and as officers of the Illinois State Dental Society, and Robert J. Pollock, Herman R. Wenger, Joseph T. Brophy, Arthur M. Duxler and Frederick D. Moore, individually, and as members of the Joint Commission on Legislation and Law Enforcement of Illinois State Dental Society,
Appellees.

Appeal from Superior Court Cook County 59 S 17029

And now, on this day, this cause having been argued by counsel, and the Court, having diligently examined and inspected as well the record and proceedings aforesaid, as matters and things therein assigned for error, and now, being sufficiently advised of and concerning the premises for that it appears to the Court now here, that neither in the record and proceedings aforesaid, nor, in the rendition of the decree aforesaid, is there anything erroneous, vicious or defective, and in that record there is no error.

THEREFORE, it is considered by the Court that the decree of the Superior Court of Cook County aforesaid, BE AFFIRMED IN ALL THINGS AND STAND IN FULL FORCE AND EFFECT,

notwithstanding the said matter and things therein assigned for error.

And it is further considered by the Court that the said appellees recover of and from the said appellants costs by them in this behalf expended, to be taxed, and that they have execution therefor.

I, MRS. EARLE BENJAMIN SEARCY, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 4th day of October, A. D. 1960.

/s/ MRS. EARLE BENJAMIN SEARCY,
(SEAL) *Clerk, Supreme Court of the State of Illinois.*

APPENDIX "C".

Section 5a of the Dental Practice Act, *Ill. Rev. Stat.*, Chapter 91, Section 60a (1959), provides as follows:

"Sec. 5a. Licensed dentists may employ or engage the service of any person, firm or corporation to construct or repair, extraorally, prosthetic dentures, bridges, or other replacements for a part of a tooth, a tooth, or teeth. A person, firm or corporation, so employed or engaged, when constructing or repairing such dentures, bridges or replacements, exclusively, directly and solely for licensed members of the dental profession, and not for the public or any part thereof, shall not be deemed or considered to be practicing dentistry as defined in this Act. However, it is unlawful for persons, firms or corporations so employed or engaged, to advertise in any manner the appliances constructed or repaired, or the services rendered in the construction, repair, or alteration thereof, except, that persons, firms, or corporations so employed may announce in trade journals and professional publications which circulate among members of the dental profession, their names, the locations or places of their business, their office hours, telephone numbers, and the fact that they are engaged in the construction, reproduction or repair of such appliances, together with such display advertisements as disclose the character and application of their work, and persons, firms or corporations so employed or engaged may furnish to licensed dentists information regarding their products, materials, uses and prices therefor. Announcement may also be made by business card, in business and telephone directories, and by signs located upon the premises wherein the place of business is situated, but announcements made by business card or in business and telephone directories and signs shall not contain any amount as a price or fee for the services rendered, or to be rendered, or for any material

or materials used or to be used, or any picture or reproduction of a human head, mouth, denture or specimen of dental work or any other media calling attention of the public to their business. Announcements in business and telephone directories shall be limited to name, address and telephone number, and shall not occupy more than the number of lines necessary to disclose such information. The lettering on signs shall be no more than 7 inches in height and no illuminated or glaring light signs shall be used."